

**MINUTES OF THE PUBLIC MEETING OF THE
RHODE ISLAND ETHICS COMMISSION
REGULATION WORKSHOP**

March 20, 2007

The Rhode Island Ethics Commission held a Regulation Workshop following a regularly scheduled full Ethics Commission meeting on March 6, 2007 at the Rhode Island Ethics Commission hearing room located on the eighth floor of 40 Fountain Street, Providence, RI., pursuant to notices published at the Commission Headquarters and at the State House Library.

The following members were present:

Barbara Binder, Vice Chair Frederick K. Butler

Richard E. Kirby Ross Cheit

James C. Segovis

Also present were Kent A. Willever, Executive Director, Commission Staff Attorneys Jason Gramitt and Dianne Leyden, and Commission Investigator Michael Douglas.

Vice Chair Binder called the meeting to order.

Upon the motion of Commissioner Butler and seconded by

Commissioner Segovis, the Commission voted unanimously to approve the Minutes of the Regulation Workshop held on March 6, 2007.

Vice Chair Binder noted that members of the public wished to be heard on regulatory issues under consideration by the Commission. The Commission first entertained public comment on the issue of Confidentiality.

Christine Lopes representing Common Cause of Rhode Island voiced concerns over changes to the regulations that would distance a complainant from the complaint process. She stated that Common Cause would likely support the removal of the complainant's right to an advance copy of settlement documents, if the complainant was granted an opportunity to speak to the Commission prior to its vote on the settlement. Addressing the class exception, Ms. Lopes stated that section 7(b) allowed conflicts to occur, and urged the Commission to consider alternatives that would better protect the public interest. In particular, a school committee member with a spouse teaching in that system should always be required to recuse from budget and contract issues.

Commissioner Cheit inquired whether better results might be had by focusing more on section 7(a) than 7(b), and perhaps better regulating non-financial interests.

Sandra Thompson, representing Operation Clean Government, addressed the Commission. She made reference to a document previously submitted by OCG for consideration. OCG is generally concerned with regulating legislators based on their financial interests, and particularly concerned with legislators who are union agents.

Commissioner Cheit queried whether these issues might be obviated with a full-time legislator.

Commissioner Segovis concurred, but stated his belief that the Commission could move the class standard higher than it is at present.

Judith Reilly addressed the Commission. She indicated that she believed the Commission lacked proper internal controls. She felt that complaints should be made more public, that probable cause hearings should be in open session and that the complainant should receive more timely notice of the probable cause hearing. She expressed dissatisfaction with the handling of a complaint she had once filed. As to the class exception, Ms. Reilly stated that the current approach with a four-prong test was good, but that the Commission should establish a bright line number to determine whether a class is significant. She suggested the number 500.

The Commission discussed confidentiality. In particular, members

questioned why the Complainant was permitted to be present in executive session. Consideration was given to whether a complainant should be treated as the victim. Members discussed whether a complainant might be excluded from executive session, but given a right to inspect the settlement without receiving a copy and to then address the Commission.

Discussion ensued regarding whether a written decision and order should be required for dismissal at any stage, and whether this might counterbalance the exclusion of the complainant from executive session hearings.

The Commission discussed whether they might be able to have private deliberations in executive session after hearing from the parties, without staff or others present. Consideration was given to whether this might produce better results at probable cause and settlement hearings.

The Commission raised the possibility that it could perhaps impose a time limit on the confidentiality of proceedings.

Staff Attorney Gramitt was asked to prepare a chronology of the complaint process for the Commissioners detailing each potential contact the Complainant may have with the Commission or its staff.

Commissioner Kirby left the meeting.

The Commission next considered the issue of whether public officials should be required to disclose their membership on the boards of directors of non-profit organizations.

Commissioner Segovis opined that the simplest solution would be to require listing all such positions rather than trying to carve out certain exceptions.

Commissioner Butler tended to agree, but contemplated difficulty for some people to recall every loosely organized, non-profit entity for which they served as an unpaid, volunteer director.

The Commission next considered the issue of the class exception found in section 7(b). Commissioner Cheit requested that the staff locate a copy of the letter sent by the ACLU on this issue.

Based on the necessary departure of remaining Commission members, the Vice Chair indicated an intent to adjourn the meeting. She noted that the class exception issue would be placed first on the agenda to accommodate those interested in that issue. Thereafter, upon proper motion and second, it was unanimously

VOTED: To adjourn the workshop.

Respectfully submitted,

Jason Gramitt

Staff Attorney